

REMARKS

Claims 1 to 31 are pending in this application. Claims 27 to 30 are withdrawn from consideration. Claims 1 to 26 and 31 are objected to as containing non-elected subject matter. Claims 1 to 26 and 31 are rejected under 35 U.S.C. § 103(a) as allegedly obvious. Applicants are herein amending claims 1 and 11. Upon entry of this amendment, claims 1 to 26, and 31 will be pending.

Amendment to Claims

Applicants are herein amending claim 1 to delete non-elected subject matter, namely oxygen (O) and sulfur (S) as a possible X substituents, without prejudice or disclaimer. Applicants explicitly reserve the right to file one or more divisional applications to the cancelled subject matter.

Applicants are herein also amending claim 1 to exclude hydrogen (H) as a possible R' substituent, without prejudice or disclaimer. Applicants explicitly reserve the right to file one or more continuation applications to the cancelled subject matter.

Applicants are herein amending claim 11 to delete redundant subject matter from claim 1.

Applicants respectfully submit that no new matter is introduced by the amendments to the claims and is fully supported by the specification and claims, as originally filed.

Claim Objections

Claims 1 to 26 and 31 are objected to as containing non-elected subject matter. Applicants are herein amending claim 1 to delete non-elected subject matter, namely oxygen (O) and sulfur (S) as a possible X substituents, without prejudice or disclaimer. Accordingly, applicants respectfully request withdrawal of the objection to the claims.

Rejection under 35 U.S.C. § 103(a)

Claims 1 to 26 and 31 are rejected under 35 U.S.C. § 103(a) as allegedly obvious over US-A-5,468,767 ("*Cipollina*"). Applicants traverse the rejection because claims 1 to 26 and 31, as amended, are not disclosed, taught, or suggested by *Cipollina*.

First, claim 1, as amended, requires a *substituted* benzodioxan moiety attached to the left side of the compound of Formula I. See claim 1 where R' is halo, cyano, carboxamido, carboalkoxy of two to six carbon atoms, trifluoromethyl, alkyl of 1 to 6 carbon atoms, alkoxy of 1 to 6 carbon atoms, alkanoyloxy of 2 to 6 carbon atoms, amino, mono- or di-alkylamino in which each alkyl group has 1 to 6 carbon atoms, alkanamido of 2 to 6 carbon atoms, or alkanesulfonamido of 1 to 6 carbon atoms. However, *Cipollina* only discloses an *unsubstituted* benzodioxan. See abstract and Example 39 of *Cipollina*. Second, claim 1 requires a *fully saturated* carbocyclic ring in the middle of the compound of Formula I. However, *Cipollina* discloses an optionally saturated carbocyclic moiety in the same position. Furthermore, when *Cipollina* discloses a benzodioxan moiety the compound contains an unsaturated carbocyclic ring. Furthermore, claim 8, for example, requires that the carbocyclic ring is a 5-membered ring. *Cipollina* does not disclose, teach, or suggest a compound containing a substituted benzodioxan moiety and a fully saturated 5-membered carbocyclic ring. a cycloalkanyl substituent.

Applicants respectfully submit that there is no teaching or suggestion to make these modifications to *Cipollina* to reach applicants' claimed compounds. And, even if there were (and applicants are not conceding that there is), a skilled artisan would not reasonably expect that they would be useful in the manner claimed by applicants because of steric hindrance and conformational differences between the compounds disclosed in *Cipollina* and those claimed in the present application. This is especially true since the compounds of the present invention possess not only SSRI activity *but also* 5HT_{1A} antagonist activity.

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PATENT

Accordingly, applicants respectfully request withdrawal of the rejection of claims 1 to 26 and 31, as amended, under 35 U.S.C. § 103(a).

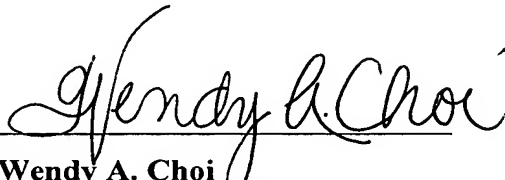
Conclusions

Applicants request:

- entry of the amendment;
- reconsideration and withdrawal of the rejection of the claims;
- reconsideration and withdrawal of the objection to the claims; and
- allowance of claims 1 to 26 and 31, as amended.

If the Examiner is of a contrary view, the Examiner is requested to contact the undersigned attorney at (404) 459-5642.

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